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F5, Inc., a Washington Corporation and Capital
One Financial Corporation, a Virginia
Corporation

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

SUNSTONE INFORMATION DEFENSE,
INC., a Delaware corporation,

Plaintiff,

v.

F5 NETWORKS, INC.,
a Washington corporation, and CAPITAL
ONE FINANCIAL CORPORATION, a
Virginia Corporation

Defendant.

Case No. 4:21-cv-09529-YGR

**JOINT STIPULATION TO STAY CASE
AGAINST CAPITAL ONE FINANCIAL
CORPORATION AND [PROPOSED]
ORDER**

Pursuant to Civil Local Rule 7-12, Plaintiff SunStone Information Defense, Inc. (“SunStone”) and Defendants F5, Inc. (“F5”) and Capital One Financial Corporation (“Capital One”) (collectively, the “Parties”), stipulate and agree as follows:

1 WHEREAS, on January 22, 2021, SunStone filed its Complaint against F5 and Capital
 2 One in the U.S. District Court for the Eastern District of Virginia alleging infringement of United
 3 States Patent Nos. 9,122,870 (“the ’870 Patent”), 10,230,759 (“the ’759 Patent”), and United States
 4 Patent Application Serial No. 16/298,537¹ (“the ’682 Patent”) (collectively, the “Asserted
 5 Patents”). (Dkt. 1.)

6 WHEREAS, on March 19, 2021, F5 filed its Motion to Transfer Case to the Northern
 7 District of California Pursuant to 28 U.S.C. § 1404(a). (Dkt. 27.)

8 WHEREAS, on April 7, 2021, Capital One filed its Motion to Sever and Stay or,
 9 Alternatively, Transfer Venue Pursuant to 28 U.S.C. § 1404(a). (Dkt. 34.)

10 WHEREAS, on October 7, 2021, SunStone filed an Unopposed Leave to File Amended
 11 Complaint. (Dkt. 56).

12 WHEREAS, on December 7, 2021, the U.S. District Court for the Eastern District of
 13 Virginia granted F5’s Motion to Transfer (Dkt. 27) under 28 U.S.C. § 1404(a). (Dkt. 59.)

14 WHEREAS, on March 7, 2022, the Parties filed their Joint Case Management Statement
 15 indicating the Parties’ agreement to stay SunStone’s claims against Capital One pending the
 16 outcome of the case between SunStone and F5 and mooted Capital One’s pending Motion to
 17 Sever and Stay (Dkt. 34). (Dkt. 83 at p. 5.)

18 WHEREAS, on March 14, 2022, the Court granted SunStone’s Unopposed Leave to File
 19 Amended Complaint (Dkt. 56). (Dkt. 87).

20 WHEREAS, on March 28, 2022, SunStone filed an Amended Complaint against F5 and
 21 Capital One. (Dkt. 89.)

22 WHEREAS, for purposes of judicial economy and to avoid the unnecessary expenditure
 23 of resources, the Parties agree this case should be stayed against Capital One immediately pending
 24 the outcome of the case between SunStone and F5.

25
 26
 27
 28 ¹ Since the filing of the Complaint, Application Serial No. 16/298,537 issued as U.S. Patent No. 10,958,682.

1 NOW THEREFORE IT IS HEREBY STIPULATED by the Parties, through their
2 respective counsel, that the case is stayed against Capital One immediately and in its entirety
3 pending the outcome of the present case between SunStone and F5.
4
5

6 Dated: March 29, 2022

Respectfully submitted,

7 DICKINSON WRIGHT PLLC

KING & SPALDING LLP

8
9 /s/ Christopher E. Hanba
Christopher E. Hanba (*pro hac vice*)

/s/ David Shane Brun
David Shane Brun (State Bar No. 179079)

10 *Attorney for Plaintiff*
11 *SunStone Information Defense Inc.*

Attorney for Defendants
F5, Inc. and Capital One Financial
Corporation

SIGNATURE ATTESTATION

Pursuant to Civil Local Rule 5-1(i)(3), I hereby attest that concurrence in the filing of this document has been obtained from each of the other signatories.

Dated: March 29, 2022

KING & SPALDING LLP

By: /s/ David Shane Brun

David Shane Brun (State Bar No. 179079)

[PROPOSED] ORDER

The Parties' Joint Stipulation to Stay Case Against Capital One Financial Corporation is GRANTED and it is hereby ORDERED that the case against Capital One Financial Corporation be stayed until further notice of this Court.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Date: _____

Honorable Yvonne Gonzalez Rogers

United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was electronically filed with the Court's CM/ECF system which will provide notice on all counsel deemed to have consented to electronic service. All other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing document by mail on this day.

Dated: March 29, 2022

KING & SPALDING LLP

By: /s/ David Shane Brun

David Shane Brun (State Bar No. 179079)